

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

Defendants.

No. 2:18-cv-01115-RSL

**PRIVATE DEFENDANTS'  
NOTICE OF SUPPLEMENTAL  
AUTHORITY**

**Notice of Supplemental Authority**

Local Rule 7(n) lets parties notify the Court of relevant authority issued after the party's last brief was filed. The Private Defendants submit the report attached as Exhibit A: Laurence Dodds, *Facebook lifts ban on spreading 3D printed gun blueprints*, The Telegraph Online, 2019 WLNR 21448208, July 12, 2019. This authority, which was issued after the Private Defendants filed their summary judgment briefs, Dkts. 174, 188, is relevant for the following reasons.

*The Telegraph* reports an important policy change at Facebook: "Facebook will allow some users to spread and promote blueprints for 3D printed firearms on its services." *Id.* "The social network said it would let 'legitimate' gun shops and online vendors offer instructions for printing so-called 'downloadable guns' in places where it is legal to do so." *Id.* "The new policy partly reverses a total ban imposed last August," and "will allow sales in many US states, where the blueprints are legal but subject to fierce controversy." *Id.* "A spokeswoman for Facebook said the update was intended to align the rules on 3D printed guns with the rules for other firearms, which are permitted as long as all applicable laws are followed." *Id.*

Facebook's policy change supports important arguments made by the Private Defendants. Specifically, the Private Defendants' main summary judgment brief argued that the Plaintiff States' claims are not redressable—and the case is therefore not justiciable—because the files at issue will be online forever, regardless of the relief this court orders:

The computer files at issue in this litigation have already been posted and reposted online by countless persons with no connection to the instant action, and thousands of Internet users have already downloaded them. Now the files are freely available for anyone to download from a variety of sources other than Defense Distributed, to say nothing of the many alternative designs that are also readily available. Even if the Court grants the Plaintiff States all the relief they seek, they will continue to suffer the very same injuries they cite as the basis for standing. Their claims are not redressable.

Dkt. 174 at 8 (citations omitted).



Date: July 19, 2019.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on July 19, 2019, I used the CM/ECF system to file this document with the Clerk of the Court and serve it upon all counsel of record.

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## NewsRoom

7/12/19 Telegraph Online (U.K.) (Pg. Unavail. Online)  
2019 WLNR 21448208

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July 12, 2019

Facebook lifts ban on spreading 3D printed gun blueprints

Laurence Dodds, US Technology Reporter

Facebook will allow some users to spread and promote blueprints for 3D printed firearms on its services, potentially opening the door to sales of untraceable "ghost guns".

The social network said it would let "legitimate" gun shops and online vendors offer instructions for printing so-called "downloadable guns" in places where it is legal to do so.

The new policy partly reverses a total ban imposed last August amid public fears that unregistered, untraceable plastic guns printed in homes and garages could proliferate across the USA.

It would not permit such plans to be shared in Britain, where it is illegal to manufacture any gun without a license, and would not allow sharing of the actual files on Facebook itself.

But it will allow sales in many US states, where the blueprints are legal but subject to fierce controversy.

A spokeswoman for Facebook said the update was intended to align the rules on 3D printed guns with the rules for other firearms, which are permitted as long as all applicable laws are followed.

3D printed guns are legal in most US states, as long as they are not invisible to metal detectors and as long as vendors take steps to ensure their customers are US citizens.

The weapons are sometimes referred to as "ghost guns" because they lack the unique serial numbers that traditional firearms must carry by law, making them difficult for police forces to trace. They are also not subject to background checks.

Ghost guns have been the subject of a long-running legal battle between Cody Wilson , an American "crypto-anarchist" dedicated to spreading do-it-yourself firepower, and a coalition of state governments who accused him of violating international arms dealing laws by sharing his blueprints online.

Around the same time as Facebook's ban, Mr Wilson got around that problem by charging money for the blueprints and asking his customers to tick a box verifying their citizenship.

It is not clear whether his company, Defence Distributed, would count as a "legitimate" vendor under Facebook's new policy, which does not allow sales by private individuals.

Facebook continues to automatically block its users from posting links to CodeIsFreeSpeech.com, a pro-gun website set up to republish Mr Wilson's blueprints. Mr Wilson stepped down from leadership of Defence Distributed last year after being charged with four counts of sexual assault of a child in Texas . Prosecutors accused him of having sex with a girl below the age of 17, whom he met on a website for finding "sugar daddies".

In Britain, a 26-year-old student from Zimbabwe pled guilty last month to 3D-printing a pistol capable of firing lethal shots in his flat, having told police that he was making props for a film project.

Separately, Mr Wilson has been charged by the state of Texas with four counts of sexual assault of a child. An affidavit filed by a local detective alleged that he paid \$500 to have sex with a girl below the age of 17 whom he met on a website for finding "sugar daddies".

3D printers, like paper ones, operate by means of a printer head, which moves back and forth depositing successive layers of plastic, rubber or metal on top of one another in order to form shapes. Users download blueprints in the form of 3D computer models.

---- Index References ----

Company: FACEBOOK INC

News Subject: (Assault & Battery (1AS33); Crime (1CR87); Gun Rights & Regulations (1GU97); Sexual Misconduct & Crimes (1SE01); Social Issues (1SO05); Violent Crime (1VI27))

Industry: (Internet (1IN27); Internet Media (1IN67); Online Social Media (1ON38))

Region: (Americas (1AM92); North America (1NO39); Texas (1TE14); U.S. Southwest Region (1SO89); USA (1US73))

Language: EN

Other Indexing: (Defence Distributed) (Cody Wilson)

Word Count: 556

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